ST-101-I (5/90)

New York State Department of Taxation and Finance

New York State and Local Sales and Use Tax Return

Instructions for Form ST-101 (Annual Return)

Tax Facts For Vendors

Did you know?

- You are subject to a $50.00 penalty if you don't prominently display your Certificate of Authority at your place of business.
- Your Certificate of Authority can be suspended or revoked if you:
  - — don't file a return (or report), or if you willfully file a false return (or report), or
  - — willfully fail to collect, truthfully account for or pay over any state or local sales tax, or
  - — have been convicted of a crime under the Tax Law.
- You may be charged with a misdemeanor if you issue a receipt without itemizing the sales tax, or you advertise either directly or indirectly that the sales tax is not part of the price paid by your customer for goods or services.

For more information on these and other penalties which may be imposed under the Tax Law, see Pub 400, *Information on . . . Omnibus Tax Equity and Enforcement Act of 1985*, or contact the Taxpayer Assistance Bureau. (See telephone number and address on page 4.)

These instructions will help you complete your Form ST-101 Annual Return. If you need further assistance, call the Taxpayer Assistance Bureau at the telephone numbers provided on page 4. You should keep all records and other supporting documents used in completing your return and be able to produce them on request by the Commissioner of Taxation and Finance or his agents for at least **three years** after the due date of the return or the date when the return was filed, if later.

The Sales Tax Return

Two copies of the sales tax return are mailed to each registered vendor. You must file the preaddressed copy and may keep the second for your records.

If the return you are submitting does not have a pre-addressed label, please complete the name and address portion.

Enter the exact legal name of the business. For a corporation, use the name as it appears on the Certificate of Incorporation; for an unincorporated business, use the name in which the business owns property or acquires debt; for a partnership, use the partnership name. A sole proprietor must use the name of the individual owner.

Enter the trade name, doing-business-as name, or assumed name if different from the legal name. For a corporation, it is the name that appears on the trade name certificate filed with the New York State Department of State. In the case of a business which is not incorporated, it is the name filed with the county clerk's office pursuant to Section 130 of the General Business Law.

Enter the address of your actual business location, not the mailing address. Include your business telephone number and the number where you can be reached during the day if different.

The completed annual return, Form ST-101, must show your actual gross sales, taxable sales and purchases subject to use tax for the 12 month period covered by the return, unless you are a seller of motor fuel and/or diesel motor fuel. If you are a seller of motor fuel and/or diesel motor fuel, see page 2 of instructions under "Notice to Retail Sellers of Motor Fuel and/or Diesel Motor Fuel."

The front of the return is used to summarize the business activity and tax due. Page 2 is used to report the details of taxable sales and services and purchases subject to use tax and the total state and local taxes due for each taxing jurisdiction. Although this return is all that is required for most vendors, certain vendors are required to file separate schedules in addition to the return. (See "Schedules Which May Be Required.")

Change In Filing Period

Quarterly Filing

If your total tax due for the 12 month period ending May 31st is more than $250 or you expect to owe more than $250 in tax for the next 12 month period, you must begin filing quarterly sales tax returns. You should consider recent rate changes in determining your anticipated tax for the next annual period.

To convert to quarterly filing, write to the Sales Tax Registration Unit, W.A. Harriman Campus, Building 8, Room 408, Albany, NY 12227 immediately. Failure to file a quarterly return on time may result in penalty and interest charges.

If you are the holder of a validated *Certificate of Authority for Show and Entertainment Vendors,* Form DTF-860A or PR-169.1, you are **not** permitted to file annually. You **must** file quarterly even if you expect to owe no more than $250 in tax for the next 12 months.

Schedules Which May Be Required

If you must file any of the following schedules, attach them to Form ST-101.

With the exception of the amounts from Schedules CT and NJ, include total tax amounts on line 1 of the applicable return. Refer to the instructions accompanying each of the schedules for additional information.

Form ST-100.1 — Schedule U

Use Schedule U to report sales or purchases subject only to local sales and use taxes:

- — installation, repair, maintenance or service of machinery and equipment used directly and predominantly in production;
- — installation, repair, maintenance or service of central office equipment or station apparatus used directly and predominantly in receiving or initiating and switching telephone or telegraph communication;
- — installation, repair, maintenance or service of parts, tools and supplies used in connection with the above machinery, equipment or apparatus;
- — machinery parts with a useful life of one year or less and tools and supplies used directly and predominantly in production **within New York City only**; and
- — parts with a useful life of one year or less, tools and supplies used in or on central office equipment or station apparatus used directly and predominantly in receiving or initiating and switching telephone and telegraph communication **within New York City only.**

Form ST-101.2 — Schedule A

Use Schedule A to report the tax on the occupancy of hotel rooms, food and drink, admissions to places of amusement, club dues and cabaret charges. Only vendors in the counties of Chenango, Nassau and Westchester are required to file Schedule A. (See Schedule A for changes in Chenango County.)

Form ST-100.3 — Schedule B

Use Schedule B to report sales in any locality listed on the schedule which imposes a sales and use tax on the following energy sources and services:

- — telephone, telegraph, refrigeration and nonresidential gas, electricity and steam services;
- — residential gas, electricity and steam services; and
- — residential use of coal, fuel oil or propane sold in containers of 100 pounds or more, and wood used for residential heating.

Vendors must also use Schedule B to report the use tax due to those localities on the above energy sources and services purchased tax-free under direct payment permits or otherwise.

Retailers of heating oil only however, whether or not they file Schedule B, must report self-use of heating oil used in their motor vehicles on Form ST-101 and take credit on Form ST-101 for any prepaid tax paid on the fuel used. No credits may be taken for any prepaid tax passed through to them on their purchases of enhanced fuel later sold for residential heating (sales reported on Schedule B). They may recover this portion of the prepaid tax by applying for a refund using Form FT-1010, *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold Other Than at Retail Service Stations.*

Form ST-101.4 — Schedule NJ

If you are registered under the New Jersey/New York Reciprocal Tax Agreement you must attach this schedule to your return. Use Schedule NJ to report the tax due, if any, on deliveries of tangible personal property into New Jersey or services subject to tax in New Jersey. To complete Schedule NJ, see Form ST-101.4-I, *Instructions for Annual Schedule NJ*.

Form ST-101.5 — Schedule N

Use Schedule N to report sales of the following services within the City of New York:

— parking, garaging or storing of motor vehicles at facilities other than garages which are part of premises occupied as private one- or two-family dwellings;

— credit rating and credit reporting services;

— protective and detective services (except port watchmen);

— beauty, barbering, hair restoring, manicuring, pedicuring, electrolysis, massage and similar services;

— charges from sales of services or for the use of weight control salons, health salons, gymnasiums, turkish baths, sauna baths and similar establishments; and

— charges for occupancy of hotels, motels and similar establishments.

Effective December 1, 1989, to report tax on the following additional services:

— interior cleaning and maintenance services performed on a regular contractual basis for a term of thirty days or more;

— interior decorating and design services.

See Schedule N for additional information being requested from vendors providing parking services.

Form ST-100.8 — Schedule E and Form ST-100.9 — Schedule R (See Form ST-100.10)

Form ST-100.10 — Schedule FR

Schedule FR must be filed by vendors to report sales tax due on diesel motor fuel sold at retail to the ultimate consumer or who must report tax on the self-use of diesel motor fuel. This schedule must also be filed by vendors to report sales tax due on motor fuel (leaded, unleaded and premium gasoline) sold at retail to the ultimate consumer or tax due on the use of motor fuel. Refer to the specific instructions for this schedule for reporting information.

Form ST-101.11 — Schedule CT

If you are registered under the Connecticut/New York Reciprocal Tax Agreement you must attach this schedule to your return. Use Schedule CT to report the tax due, if any, on deliveries of tangible personal property into Connecticut or services rendered in Connecticut. See the Schedule CT for instructions relating to that form.

Completing Your Return

Complete page 2 of Form ST-101 Annual Return and any required schedules **before** completing page 1.

Instructions For Page Two

The Department of Taxation and Finance is required by New York State law to collect and distribute the sales taxes imposed by local jurisdictions. The information on page 2 of the sales tax return enables the department to make the correct distribution. Credits that can be identified by locality should be taken on the appropriate line on page 2 of the return. Net credits (negative amounts) should be shown in parentheses.

Notice to Retail Sellers of Motor Fuel and/or Diesel Motor Fuel

Retail sellers of motor fuel and/or diesel motor fuel must report all sales, self-use and sales taxes due on this fuel on Form ST-100.10, Schedule FR. The schedule must be filed with the vendor's Form ST-101 Annual Return, together with any other applicable schedules.

Important: Do Not include sales, purchases for self-use or sales tax on the above fuel on page 2 of your Form ST-101 if you are a retail seller of motor fuel and/or diesel motor fuel.

Column (a) — Taxing Jurisdiction

Column (a) lists the name of each locality now imposing a sales and use tax.

Column (b) — Combined Tax Rate

Column (b) lists the combined state and local tax rates that apply in each of the localities listed in column (a).

Columns (c), (d) and (e)

Columns (c), (d) and (e) are used to report taxable sales and services, purchases subject to use tax, and sales and use taxes for the localities listed in column (a). You must report these amounts for the full period covered by the return unless a shorter period is specifically indicated.

Column (c) — Taxable Sales and Services

Subtract any applicable exempt sales and adjustments from gross sales and services to arrive at taxable sales and services. Make adjustments for transactions where the tax should not be paid, such as returned sales on which the tax was refunded to the customer or previously reported sales that became bad debts.

Taxable sales and services should be reported on the line for the locality where delivery occurs. Delivery occurs at the vendor's place of business on over-the-counter sales. Otherwise, delivery occurs where the customer takes possession. Exception: delivery of a motor vehicle is determined by the purchaser's home address. Deliveries to points **outside** New York State are **not** to be reported.

Sales made in localities that do not impose local sales and use taxes are subject only to the 4 percent state tax. Report receipts from sales and services in these localities on the New York State Only line.

The exemption from the New York State and upstate local sales tax allowed for the items and services listed below **does not apply** to New York City. On the **New York City** 4 percent line, report the sale of the following to businesses located within New York City:

— fuel and utility services used directly and exclusively in the production of tangible personal property for sale;

— the services of installing, repairing, maintaining and servicing tangible personal property used directly and predominantly to produce a product for sale by farming, including servicing tangible personal property used in erecting, adding to, altering or improving a silo (but not including the foundation), and the servicing of posts and wire used to make and maintain a trellis for grapes.

These transactions should **not** be reported on the New York City 8¼ percent line or on Schedule U.

Effective December 1, 1989, the 4% tax in New York City will no longer apply to the following:

— machinery, machinery parts with a useful life of **more than one year** and equipment used directly and predominantly in such production; and

— parts with a useful life of **more than one year** used in or on telephone central office equipment or station apparatus or comparable telegraph equipment used directly and predominantly in receiving at destination or initiating and switching telephone or telegraph communication.

Column (d) — Purchases Subject to Use Tax

Use column (d) to report the value of tangible personal property or services purchased without payment of sales tax and used in your own operations. **Do not** include tangible personal property or services which are resold or which qualify for a production exemption.

Report in column (d) on the NYS/MCTD 4¼% line, the use tax due on purchases of fuel or utility services for which you have paid only 4% New York City tax, but that are subject to tax at 8¼%. These include fuel or utilities used indirectly in production, for example, to operate office machinery or light the plant. Directly in production means the fuel or utilities must, during the production phase, operate exempt machinery or create conditions necessary to actual production.

Property or services are also subject to the use tax if purchased by a New York State resident, business or branch of a New York State business located outside New York State and shipped or brought into the State.

Additional Use Tax: If a sales or use tax was paid in one locality in New York State and the property is then used in another locality in New York State, an additional use tax will be due if the local tax rate is higher in the second locality and:

— the user is a resident of the locality where use occurs;

— the user, in the performance of a contract, incorporates the property into real property situated in the second locality; or

— the user is a nonresident but uses the property in the second locality in the course of his employment, trade, business or profession.

Attach an explanatory statement and use the blank lines at the bottom of page 2. Enter the taxing jurisdiction in column (a) and the additional rate of tax in column (b).

Column (e) — Sales and Use Taxes

Compute the tax by multiplying the amounts in columns (c) and (d) by the combined state and local tax rate in column (b). On the last line enter the total amounts reported on both sides of page 2 in column (e). Include this total in the amount you report on line 1, page 1, of the return.

Instructions For Page 1

Change of Business Information

If there have been any changes in your business' name, ID number, mailing address, business address, telephone number, or owner/officer/responsible person information, complete Form DTF-95.1, *Change of Business Information for Employers/Vendors*, located at the bottom of pages 3 and 4. Send the completed form to: **NYS Department of Taxation and Finance, Registration Section, Building 8, Room 408, W. A. Harriman Campus, Albany, NY 12227-0155.** If there are no changes to the above information, keep this form in your files. If a change occurs, complete the form and send it to the address listed as soon as possible.

Type of Business

Describe your principal business activity or type of business ("retail grocery," "wholesale furniture," etc.).

Consolidated Return

If you have more than one place of business and are reporting for all business locations on this return, check the applicable box. If your New York State identification number does not end with "c", attach a list of your business locations.

Final Return

If you have discontinued doing business, check the applicable box and attach your Certificate of Authority with the back completed.

No Tax Due Return

If you had no taxable sales and made no purchases subject to use tax enter "none" in the box. Enter your gross sales in box A and enter "none" in boxes B, C and D.

Summary of Business Activity

If you are a retail seller of **motor fuel and/or diesel motor fuel:**

- — **do not** report gross sales of this fuel in box A;
- — **do not** report taxable sales of this fuel in box B;
- — **do not** report purchases of this fuel subject to use tax in box C; and
- — **do not** report credits related to tax on this fuel in box D.

These amounts are reportable **only** on Schedule FR as explained in the instructions that accompany that schedule.

Box A — Gross Sales and Services

Enter the total dollar amount of all sales made by the business (except motor fuel and/or diesel motor fuel sales as stated under **"Summary of Business Activity"**), including those exempt from sales taxes. Do not include the amount of sales taxes collected. Include all sales made within New York State (even if for delivery outside New York State) and sales made at business locations outside New York State for delivery into New York State. Do not include sales made at business locations outside New York State which do not involve deliveries into New York State.

Box B — Taxable Sales and Services

Enter the total dollar amount of the sales subject to New York State and local sales taxes (except motor fuel and/or diesel motor fuel sales as stated under **"Summary of Business Activity"**). This figure is the total amount from column (c) on page 2 of the return and any schedules filed.

Exception: Do not include New Jersey or Connecticut taxable sales as reported on *Annual Schedule NJ*, Form ST-101.4, and *Annual Schedule CT*, Form ST-101.11.

Box C — Purchases Subject to Use Tax

Enter the total dollar amount of purchases subject to use tax including personal property purchased at retail on which no tax was paid at the time of purchase (except motor fuel and/or diesel motor fuel purchases as stated under **"Summary of Business Activity"**). **Do not** include tangible personal property purchased for inventory, or property or services which qualify for a production exemption. Include property used in the operation of your business if it does not become part of a product for resale or is not eligible for a production exemption. This figure is the total amount from column (d) on page 2 of the return and any schedules filed.

Exception: Do not include any purchases subject to New Jersey use tax as reported on *Annual Schedule NJ*, Form ST-101.4.

Box D — Total Credits Claimed on Page 2 or Schedules

Enter the total dollar amount of credit against the tax claimed on page 2 or any schedules filed, except those reported on Schedule FR as noted under **"Summary or Business Activity."** Show in parentheses net credits on Page 2 or schedules. Credits must be substantiated by attaching a statement and any other supporting documentation explaining the basis for the credit claimed. Do not include this amount in any amount entered on line 2a. **Do not** include credit for prepaid sales tax on motor fuel or diesel motor fuel in this box.

Summary of Taxes Due

Line 1 — Sales and Use Taxes

Enter the total amount of tax due from column (e) on page 2 and the total amount of tax due from column (e) on Schedules A, B, FR, N and U for the period June 1, 1989 through May 31, 1990.

If your total tax due for the 12 month period ending May 31 is more than $250 or you are the holder of a validated Certificate of Authority for Show and Entertainment Vendors, see "Change in Filing Period" for instructions.

Privacy Notification

Our authority to require this personal information, including identifying numbers (social security numbers, etc.) is found in sections 1134, 1136, 1137-A, 1142, 1251 and 1253 and Articles 28 and 29 of the Tax Law in general and the regulations for Sales and Use Tax in subchapter J, Title 20 NYCRR.

We will use this information primarily to determine New York State and local sales and use tax liabilities under Articles 28 and 29 of the Tax Law. We will also use it for tax administration purposes and as necessary under Tax Law sections 1146 and 1250, and for any other purpose authorized by law.

Your failure to provide the required information may result in civil and/or criminal penalties under sections 1134, 1145, 1250 and 1817 of the Tax Law and Parts 533 and 536 of the regulations for sales and use taxes.

Our authority to maintain this information is found in sections 1138(a), 1146(e) and 1250 of the Tax Law. This information will be maintained by the Director, Data Management Services Bureau, NYS Tax Department, Building 8, Room 905, W. A. Harriman Campus, Albany, NY 12227; telephone (from New York State only) 1 800 CALL TAX (1 800 225-5829); from outside New York State, call (518) 438-8581.

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Change of Business Information For Employers/Vendors

If there have been any **changes** in your business' name, identification number, mailing or business address, telephone number, or owner/officer/responsible person information, please complete this form. **Mail to: NYS Department of Taxation and Finance, Registration Section, Building 8, Room 408, W. A. Harriman Campus, Albany, NY 12227-0155.**

Old Information:

ID number: _____

Name: _____

New Information: Effective Date: _____

ID number: _____ Phone number: _____

Trade name: (DBA, etc.): _____

Legal name: _____

Business address: _____

Mailing address: _____

Reason for change: _____

Business tax records which should be changed: ☐ Corporation Tax ☐ Highway Use Tax

☐ Sales and Use Tax ☐ Withholding Tax ☐ Other

Tax type	Account number

DTF-95.1 (7/89)

Line 2a — Credits

Report Economic Development Zone credits on this line and file Form AU-11, *Application for Credit or Refund of State and Local Sales or Use Tax* separately from your return. Mail Form AU-11 and all substantiating documentation to the address shown on the form. Be sure to indicate on Form AU-11 the period of the return on which you are taking the credit.

Enter the total of the Economic Development Zone credits and any credits (other than the credits for prepaid sales tax on motor fuel or diesel motor fuel) that can be substantiated but cannot be identified with a specific locality. Also, if you had an overpayment from the prior year and you did not apply for this amount by filing the appropriate refund application, enter the amount on this line. See the instructions for line 5 for more information on prepaid sales tax on motor fuel, diesel motor fuel and on refunds. You **must** substantiate all credits taken on this line.

Line 2b — Advance Payments

Enter the total amount of advance payments. Attach Form ST-330, *Record of Advance Payment*, issued to you if you paid part of your tax in advance. **Do not** include on this line payments from Form FT-945, *Report of Sales Tax Prepayment on Motor Fuel*, or payments from FT-1045, *Report of Sales Tax Prepayment on Diesel Motor Fuel*.

Line 2c — Total

Add Lines 2a and 2b.

Line 3 — Sales and Use Taxes Due

Subtract Line 2c from Line 1.

Line 4 — Late Filing Charge

If you file your return or make payments after the due date, you must pay a late filing charge, which consists of penalty and interest.

Penalty

For failure to file a return on time, even if no tax is due, the penalty is $50.00. For failure to file a return on time, **with tax due,** the penalty depends on how late the form is filed.

- **1-60 days late:** The penalty is 10% of the tax due for the first month plus 1% of the tax due for each month thereafter, but in no instance less than $50.00.
- **61 or more days late:** The penalty is the greatest of the following three amounts:
  1. 10% of the tax due for the first month plus 1% of the tax due for each month thereafter, not to exceed 30%.
  2. The lesser of $100.00 or 100% of the tax due.
  3. $50.00.

Interest

Interest is computed at the rate determined under Section 1142 of the Tax Law and is compounded daily. Interest is always due on any underpayment of tax and is computed from the due date of the return to the date the tax is paid. Call the taxpayer assistance number listed below to get the current rate.

Line 5 — Amount Due

Add lines 3 and 4.

If this amount is an overpayment you may either:

— claim credit for the overpayment on your next return by entering this amount on line 2a on page 1 of the return; or

— apply for a refund.

To apply for a refund, file Form AU-11, *Application for Credit or Refund of State and Local Sales or Use Tax*. **unless the overpayment is the result of a credit for prepaid sales tax on motor fuel and/or diesel motor fuel sold at retail; in which case, you must file the appropriate application:**

— **Form FT-949,** *Application for Refund of Prepaid Sales Tax on Motor Fuel Sold Other Than at Retail Service Stations*

— **Form FT-950,** *Application for Refund of Prepaid Sales Tax on Motor Fuel Sold by Retail Service Stations.*

— **Form FT-1007,** *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold by Retail Service Stations.*

— **Form FT-1010,** *Application for Refund of Prepaid Sales Tax on Diesel Motor Fuel Sold Other Than at Retail Service Stations.*

Do not attach the refund application (Form AU-11, FT-949, or FT-950, FT-1007 or FT-1010) to your return. This application **must** be filed **separately** and mailed to the address shown on that form.

As a sales tax vendor you should be aware that you may be subject to or liable for other taxes such as motor fuel tax, diesel motor fuel tax, highway use tax, corporation tax or income tax withholding. For information relating to any of these taxes, or for any forms or publications you will need, you may use the address and telephone numbers listed below.

Notice to Schedule NJ Filers and Schedule CT filers — If you report tax due on either Schedule NJ (Form ST-101.4) or Schedule CT (ST-101.11) send only one check payable to New York State for the amount due new York and New Jersey or New York and Connecticut. If you report tax due on both the schedules, include the total due all three states (New York, New Jersey and Connecticut) in one check payable to New York State. Do not under any circumstances offset an overpayment from one state against the tax due the other.

Signature

The return must be signed by the vendor or an authorized officer or employee. An accountant, lawyer, or other professional preparing the return must also sign it on the line designated "Signature of preparer, (if other than vendor)."

Telephone assistance is available from 8 a.m. to 5 p.m. Monday through Friday.

For forms or publications

From within New York State, call toll free	1 800 462-8100
From outside New York State, call	1 518 438-1073

For information

From within New York State, call toll free	1 800 CALL TAX (1 800 225-5829)
From outside New York State, call	1 518 438-8581

If you need to write, address your letter to:

NYS Department of Taxation and Finance
Taxpayer Assistance Bureau
W. A. Harriman Campus
Albany, New York 12227

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Enter below the new owner/officer/responsible person information if there have been any changes

Name of owner/officer/responsible person	% Ownership	Title	Effective date	Social security number
Home address (no. and street)	City, village, post office	State	ZIP code	Telephone number ( )
Name of owner/officer/responsible person	% Ownership	Title	Effective date	Social security number
Home address (no. and street)	City, village, post office	State	ZIP code	Telephone number ( )
Name of owner/officer/responsible person	% Ownership	Title	Effective date	Social security number
Home address(no. and street)	City, village, post office	State	ZIP code	Telephone number ( )
Name of owner/officer/responsible person	% Ownership	Title	Effective date	Social security number
Home address (no. and street)	City, village, post office	State	ZIP code	Telephone number ( )